

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday May 5, 2022

6:00 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 6:00 pm on Tuesday May 5, 2022 via Zoom video conferencing.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on January 14, 2022 in the annual meeting notice. On May 3, 2022 notices were sent to the Trenton Times, filed in the office of the Municipal Clerk and posted in the East Windsor Municipal Building. All requirements of the Open Public Meetings Act have been satisfied.

FLAG SALUTE: Led by David Orron

ROLL CALL:

Present were Council Members Denise Daniels, Alan Rosenberg, David Russell, Peter Yeager, John Zoller and Mayor Janice Mironov. Council Member Marc Lippman was absent. Also present were Township Attorney David Orron, Township Manager James Brady, and Municipal Clerk Allison Quigley.

PRESENTATIONS & PROCLAMATIONS:

There were no presentations or proclamations.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor Mironov requested an update on any volunteer applicants to be scheduled for an interview.

PUBLIC FORUM:

No one from the public spoke.

MINUTES:

April 20, 2021

May 4, 2021

May 18, 2021

June 8, 2021

June 22, 2021

July 20, 2021
August 3, 2021
August 17, 2021
September 21, 2021
January 11, 2022
January 25, 2022
February 8, 2022
February 22, 2022
March 8, 2022

All of the minutes were rescheduled.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2022-06 An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank.

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY
ORDINANCE NO. 2022-06**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2022 budget by up to 3.5%, if necessary, over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that an increase of up to 1 % increase in the budget for said year, amounting to \$192,952.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final CY 2022 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor, County of Mercer and State of New Jersey as follows:

I

1. In the CY 2022 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$675,334.44 and that the CY 2022 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,

2. Any amount authorized herein that is not appropriated as part of the final CY 2022 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.
3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.
4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

II REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

III SEVERABILITY

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

IV EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

It was MOVED by Yeager, SECOND by Russell to approve Ordinance 2022-06 on introduction, authorize publication as required by law and set public hearing for June 7, 2022.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Ordinance 2022-06 was approved on introduction, publication authorized as required by law, and public hearing set for June 7, 2022.

RESOLUTIONS:

Resolution R2022-058 Authorizing Miscellaneous Anticipated Revenue Averages from the Prior Three years for the 2022 Budget.

RESOLUTION R2022-058 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2021 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorizing the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the CY 2021 Municipal Budget, and, if necessary, in future years and

WHEREAS, for CY 2022 Municipal Budget, the Director authorizes the use of a three year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Township of East Windsor, certifies that the following revenues were affected in 2021 by the COVID 19 pandemic and that the three-year average of the amounts realized in 2019-2021 be anticipated in the introduced budget for 2022:

<u>Revenue Category</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Average</u>
Municipal Court	\$434,248.00	\$177,289.00	\$172,805.19	\$261,447.40
Hotel Tax	\$241,415.00	\$115,884.00	\$229,692.50	\$195,663.83
Total	\$675,663.00	\$293,173.00	\$402,497.69	\$457,111.23

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey that the above referenced revenues be anticipated using the three-year average as permitted by the amendments to N.J.S.A 40A:4-26, adopted by Section 1 of P.L. 2020, c.74.

It was **MOVED** by Rosenberg, **SECOND** by Daniels to approve Resolution R2022-058.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2022-058 was approved.

Mayor Mironov requested to move ahead to Resolutions R2022-061A and R2022-062B first. Council unanimously agreed.

Mayor Mironov stated the Township had the option to participate in self-examination of the municipal budget, or the budget could be sent to the Division of Local Government Services for review prior to adoption. After discussing both options, Mayor and Council Members unanimously agreed to send the municipal budget to the Division of Local Government Services for review instead of self-examination.

Resolution R2022-061A Waving Participation in the New Jersey Division of Local Government Services Budget Self Examination Program and Requesting Review of 2022 Municipal Budget by New Jersey Division of Local Government Services.

**RESOLUTION R2022-061A
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40A:4-78b, the Local Finance Board has adopted rules that permit municipalities in sound fiscal condition to assume the responsibility normally granted to the Director of the Division of Local Government Services of conducting the annual budget examination; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5, the Township of East Windsor has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial Officer has determined that the Township of East Windsor meets the necessary conditions to participate in the program for the 2020 calendar year.

WHEREAS, pursuant to N.J.A.C. 5:30-7.3(f) the governing body of any municipality that qualifies for local examination may by resolution choose to have its budget examined by the Director and not participate in the local examination process.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that the Township Council waives its rights to local examination of its budget and further requests that the Director of the Division of Local Government Services conduct the municipal budget examination for 2022.

It was MOVED by Rosenberg, SECOND by Zoller to approve Resolution R2022-061A.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2022-061A was approved.

Resolution R2022-059 Introduction of the 2022 Municipal Budget

[NOTE: Due to the size of the 2022 Municipal Budget, the 2022 Municipal Budget is not included in the minutes but is available on the East Windsor Township website.]

Mayor Mironov indicated Council Members received an updated budget document with the corrected numbers as discussed at the last Council meeting. She stated Council Members also received a three-page revenue summary. Mayor Mironov stated the introduced budget maintains the same municipal tax rate as 2021, at 43 cents per \$100 of assessed evaluation.

It was MOVED by Yeager, SECOND by Rosenberg to approve Resolution R2022-059 on introduction, authorize publication as required by law, and set public hearing for June 7, 2022.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2022-059 was approved on introduction, publication authorized as required by law, and public hearing set for June 7, 2022.

Resolution R2022-060 Introduction of the 2022 Garbage District No. 1 Budget

[NOTE: Due to the size of the 2022 Garbage District No. 1 Budget, the 2022 Garbage District No. 1 Budget is not included in the minutes but is available on the East Windsor Township website.]

It was MOVED by Zoller, SECOND by Rosenberg to approve Resolution R2022-060 on introduction, authorize publication as required by law, and set public hearing for June 7, 2022.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2022-060 was approved on introduction, publication authorized as required by law, and public hearing set for June 7, 2022.

Resolution R2022-062 Action on Request for Release of Developer's Agreement with 100 Lake Drive LLC, 100 Lake Drive, Block 20.06, Lot 195.01, East Windsor

**RESOLUTION R2022-062
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor and Englehard Drive Monroe, LLC executed a Developer's Agreement dated January 24, 2006, affecting the premises at 100 Lake Drive known as Block 20.06, Lot 195.01 in the Township of East Windsor, County of Mercer County and State of New Jersey; and

WHEREAS, the Developer's Agreement was recorded on February 14, 2006 in the Office of the Mercer County Clerk in Deed Book 5282 on Page 123; and

WHEREAS, the Developer has fulfilled all of its obligations under the said Developer's Agreement, and the performance guarantees have been released by prior resolution of the Township Council; and

WHEREAS, the Township Council has reviewed the recommendations made by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, as follows:

1. The attached Satisfaction and Release of Developer's Agreement between the Township of East Windsor and Englehard Drive Monroe, LLC is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized to execute the attached Satisfaction and Release of Developer's Agreement.
3. A copy of this Resolution certified to be a true copy be forwarded to the Township Attorney and Englehard Drive Monroe, LLC.

Mayor Mironov stated a letter was received indicating the property was purchased by Brookfield Industrial and is being leased to Costal Insulation. Brookfield Industrial will be keeping the existing lease in place and will not be changing tenants. They requested the Developer's Agreement be closed out. Mr. Orron confirmed the project was completed several years ago and the Developer's Agreement could be closed out.

Mayor Mironov stated, moving forward, attorneys for developers should submit a letter to the Township if they are requesting an item be listed on a Council agenda for consideration and action.

It was MOVED by Zoller, SECOND by Rosenberg to approve Resolution R2022-062.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2022-062 was approved.

APPLICATIONS:

There were no applications.

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg reported the Clean Communities Committee scheduled a meeting for Thursday, May 26 and information will be provided to the Clerk's Office. He also reported the Commission on Aging met on April 28 and discussed trips for the Senior Center and the Senior Services directory update. They also had a presentation on fraud schemes targeting senior citizens.

Mr. Zoller reported the Environmental Commission met on April 27. The Commission nominated Gary Wroblewski as the Vice-Chair. They discussed the Etra Park Arboretum project, the Stream Clean Up event that was held on April 23, and the Arbor Day seedling giveaway on April 30. He also reported the Planning Board will be meeting on May 18 and will be discussing electric vehicle charging stations. Mayor Mironov requested any information on the subject be forwarded to the Clerk's Office, the Clean Communities Committee and the Green Team. Mr. Zoller confirmed he would forward the information as requested.

Mayor Mironov stated the Bicycle Helmet Giveaway program held a kick off event on May 4 at the Municipal Building. Additional giveaway events will be held on May 11 and May 25. She stated Operation Medicine Cabinet occurred on April 30 and 18.3 pounds of unwanted and expired medication was collected, in addition to the 283.5 pounds the permanent medication drop box had collected, for a total of 311.8 pounds of unwanted and expired medication collected this year.

CORRESPONDENCE:

Mayor Mironov stated she would review correspondence during Matters by Council.

APPOINTMENTS:

There were no appointments.

APPROVAL OF BILLS:

Mayor Mironov requested clarification on the invoice on the 2022 Current bills list, page two, for the Etra Lake Park restroom door, as a memo on the subject previously indicated this would be paid from a capital account.

Mayor Mironov requested to hold the invoices to Morgan's Island Grill for gift cards on the 2022 Current bills list, page six, and requested information as to what these are for. She stated that the Township should be purchasing from East Windsor businesses whenever possible. She further requested a report from the Commission on Aging as to what these gift cards are for, and stated no further purchases of this nature should be made until a report had been received as to the purpose of these gift cards, the program details, and what has been spent so far.

It was MOVED by Russell, SECOND by Zoller to approve the various Bills lists with the requested holds and clarifications.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, the various Bills lists were approved with the various holds and clarifications.

MATTERS BY COUNCIL:

Mayor Mironov reported the following correspondence had been received: an annual report of uncollectable taxes for 2022 from the Tax Collector, dated April 29, and a letter dated April 22 from the New Jersey Department of Transportation indicating the Local Aid Grant programs for 2023 are open, and applications are due July 1. Mayor Mironov requested staff to advise Mayor and Council of potential projects and provide information for review and discussion at the June 7 Council meeting.

Mayor Mironov stated a memo from the East Windsor Municipal Utilities Authority had been received regarding damage to the road at the intersection of Dutch Neck Road and Oak Creek Road. She requested an update on the repair of the damage from the EWMUA.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. East Windsor Senior Center Expansion Project: Status and Updates
 - A. Issuance of TCO for Senior Center Building

Mayor Mironov requested a report with a full explanation and understanding of the reasons for some of the defects and outstanding punch list items at the Senior Center.

- B. Resolution R2022-063** Action on Award of Contract for Site Work for East Windsor Senior Center Expansion Project

**RESOLUTION R2022-063
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, a Notice of Bids was issued and posted/advertised on April 6, 2022 for Site Work at the East Windsor Senior Center and four bids were received by the Municipal Clerk’s Office on April 20, 2022; and

WHEREAS, the lowest qualified bid was received from Berto Construction; and

WHEREAS, the Township Council has reviewed the April 21, 2022 recommendation made by Settembrino Architects on this bid; and

WHEREAS, the total cost of the contract is an amount not to exceed \$508,961.00, and funds are available in the in the Capital Fund Account No. C-04-55-980-926-950 entitled Ordinance 2022-03, entitled “Senior Center Expansion Project”, upon the expiration of the twenty-day grace period after publication of the adopted Ordinance, as evidenced by the Chief Financial Officer’s Certification No. C2022-011.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, as follows:

1. The contract for Site Work at the East Windsor Senior Center is awarded to Berto Construction, 625 Leesville Avenue, Rahway, NJ 07065, on the base bid in an amount not to exceed \$458,961.00, upon receipt of a fully executed contract and all other required documents.
2. The Township reserves the right to have an unallocated allowance of \$50,000, which can only be used after express approval and authorization by Resolution of the Governing Body, returned to the Township as a Deduct Change Order if unused at the end of the project.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract.
4. The Municipal Clerk is hereby authorized and directed to return the certified checks or bid bonds of the successful bidder and the next lowest bidder, upon the receipt of a fully executed contract.
5. The Municipal Clerk is hereby authorized and directed to return the certified check and bid bond of the following unsuccessful bidders: Crossroads Paving, 386 South Street, Suite 169, Newark, NJ 07105 and Earle Asphalt Company, 1800 Route 34, Building 2, Suite 205, Wall, NJ 07719.

It was MOVED by Yeager, SECOND by Russell to approve Resolution R2023-063.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller, Mironov
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2023-063 was approved.

- C. Resolution R2022-064** Approval of Professional Services Agreement with Settembrino Architects for Site Work Phase, for Document Preparation and Bidding, Construction Administration and Close-Out Services for Senior Center Expansion Project

**RESOLUTION R2022-064
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for Site Work Bidding, Project Construction Management and Close-Out Services for the East Windsor Senior Center expansion project; and

WHEREAS, the project architect Kevin Settembrino of Settembrino Architects provided a proposal to provide these services; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the maximum amount of the contract is \$19,500 and funds are available in the Account No. R-14-22-370-200-000 entitled “Recreation Trust,” as evidenced by the Chief Financial Officer’s Certification No. R2022-002.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer as follows:

1. The attached Agreement with Settembrino Architects, 37 East Washington Avenue, Atlantic Highlands, New Jersey 07716, is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

Mayor Mironov and Council Members discussed Resolution R2022-064 and the professional services agreement with Settembrino Architects. Mayor and Council agreed to move forward with the Resolution with the following conditions: Mr. Brady and Mr. Orron would speak to Mr. Settembrino regarding the professional services agreement and Mr. Settembrino would be directed to outline his specific responsibilities for completing the site work and provide a full breakdown of his \$19,500 proposal, along with a memorandum to the Township Council as to how the work will be completed, and an accurate project timeline. All of these conditions would be contingencies of any checks issued to Mr. Settembrino.

It was MOVED by Daniels, SECOND by Yeager to conditionally approve Resolution R2023-064, subject to the conditions as outlined above.

ROLL CALL: Ayes – Daniels, Rosenberg, Russell, Yeager, Zoller
Nays – None
Abstentions – Mironov

There being five (5) ayes, no (0) nays, and one (1) abstention, Resolution R2023-064 was conditionally approved, subject to the conditions as outlined above.

2. Anker Park Improvements: Drainage, New Jersey Department of Community Affairs Grant, Proposed Plan for Equipment, Walking Pathway.

Mayor Mironov requested this item be listed on the next Council agenda and staff provide recommendations on play equipment for Anker Park. She also requested a run of the Open Space account.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

Next Meeting: May 24, 2022

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor